CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

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June 5, 2009

Attn: Paul Dabbs
Strategic Water Planning
Statewide Integrated Water Management
California Department of Water Resources
PO Box 942836
Sacramento , CA 94236-0001

Re: Comments on Public Draft California Water Plan Update 2009

Dear Mr. Dabbs:

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation that's purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 85,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

General Comments on the California Water Plan and the California's Current Water Outlook:

When reading (or preparing) an update such as this to the California Water Plan, it is useful to refer back to the intended *purpose* of the Water Plan as set in statute—and, for a statewide farm organization such as ours, to consider how that purpose relates to the needs of agricultural water users around the state.

In this context, there are some important points to bear in mind: First, under section 10005, the people of state of California are declared to have "a primary interest in the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state," whereas it is the "declared policy of the state" that the California Water Plan should serve as the accepted "master plan which guides the orderly and coordinated control, protection,

conservation, development, management and efficient utilization of the water resources of the state."

As an important part of this basic function of the Water Plan, the department is directed, under section 10004.5, to "conduct a study to determine the amount of water needed to meet the state's future needs and to recommend programs, policies, and facilities to meet those needs," and, in so doing, to consider various factors, including "environmental water needs, including regulatory instream flow requirements," "[g]roundwater supplies, including estimates of sustainable yield [and] supplies necessary to recover overdraft basins," "[c]urrent and projected population," and the "[c]urrent and projected water use" for each of a variety of water use categories, including "[a]gricultural water diversion and use."

Lastly, the department is directed, under Water Code section 10004.5, to discuss "various strategies [...] that may be pursued in order to meet the future water needs of the state," including potential new facilities, and, under section 10004, to provide "a summary of [...] conclusions and recommendations" to the California Legislature.

For California agriculture, then, the relevant question is whether the Plan is effectively serving the public's declared "primary interest in the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state," by providing a viable set of "strategies" and sound "conclusion and recommendations"—and, particularly, whether, in recommending approaches to meet other water needs of the state, strategies, conclusions, and recommendations in the Water Plan provide sufficient water for the present and probable future needs of agriculture.

As matters currently stand, the Governor's Strategic Plan (described in Chapter 4 at 4-28) and a comprehensive water bond package, including money for significant expansion of existing surface and groundwater storage capacity and improved regional and interregional conveyance are, in our opinion, the best hope to pull the state out of the current downward spiral of ever diminishing expectations.

VOLUME 1, STRATEGIC PLAN:

Volume 1, Chapter 2—"Imperative to Act":

This chapter effectively conveys some of the true urgency of the severe problems currently facing the State of California. We believe this is a critically important message for this Water Plan Update. Farm Bureau supports the conceptual linking of the interrelated notions of sustainability, reliability, and flexibility, in addition to the notions of integrated water and flood management, the need for increased water conservation and for long-term sustainable financing, the land-water-energy nexus, the need for contingent, but robust planning in the face of considerable risk and uncertainty, and the need for investment in new and existing water infrastructure, including improved conveyance and additional surface and groundwater storage.

Preparation for potential future impacts of climate change, including greater system capacity and flexibility as key adaptation strategies, is another important theme that must be embraced in future water planning.

Concerning Recommendation #2, at the end of Chapter 2, we recognize the need for a sound long-term strategy; however, in light of the statement at the outset of the recommendations section in this chapter, that these recommendations are "directed at decision-makers and water users throughout California [...] and at the executive and legislative branches of State government, DWR, and other State agencies," etc., we are somewhat concerned that this recommendation, in particular, and the lengthy array of items enumerated as things in need of funding could be misconstrued by some readers: To be perfectly clear, therefore, it is very important that the state recognize that the amount of revenue that can be recovered from the state's water users is finite and, therefore, it is very important that the state clearly conceive now and in the years to come of the services and functions it proposes to fund and that it exercise a certain amount of fiscal discipline and restraint in determining which those things are truly necessary and, also, in determining whether they are properly borne by the water users and in what proportion, or whether, either partially or entirely, they are not things which should instead be the responsibility of the public at large, or for which some amount public expenditure is justified in terms of net benefit to society in general. The state must recognize that the cumulative and additive effect of numerous fees, charges, and taxes takes a great toll on the state's businesses and this is especially true of agricultural water users, who generally operate on a very small margin of profit. New fees and charges must take account of past fees and charges and make allowance for the same and the "beneficiary pays" principle must be tied to some proportionate benefit to the water user *per se* (for example, private gain, improvements that preserve or enhance the value of private property, or narrow benefits accruing predominantly to a particular locale), as distinguished from other generalized benefits to society at large (for example, positive contributions to the state's economy generally, the benefit of safe, diverse, domestically produced, and abundant food supply, or improved environmental quality).

Concerning Recommendation #3, regarding "full consideration of public trust uses whenever feasible," it is worth mentioning that much of what is today vaguely thought to lie within the domain of the "public trust" is, in fact, already protected or adequately covered under existing laws, such as the Endangered Species Act, the Clean Water Act, the Porter-Cologne Act, the California Environmental Quality Act, etc. To the extent some concern relating the "public trust" is not sufficiently covered under such laws, the public trust doctrine allows the State Water Resources Control Board and the courts to consider what additional protections may be required, subject to the broader "public interest" and "whenever feasible."[1] In general, however, as noted, existing protections cover most, if not the whole of the extended spectrum of such protections that might be conceived of in a particular instance. Thus, the question of the public trust and whether that intangible is adequately provided in particular case is, not ultimately, any clear or inflexible rule, but rather a case-by-case adjustment and balancing function, lying within the discretion of the State Water Board or court of competent jurisdiction.

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[1] *See National Audubon Society v. Superior Court of Alpine County*, 33 Cal.3d 419, 446-447; *State Water Resources Control Board Cases*, 136 Cal.App.4th 674, 777-778. *See also* related comments below, under "Chapter 7—"Implementation Plan," Objective No. 5, "Environmental Stewardship," Related Action No. 6.

Volume 1, Chapter 4—"California Water Today—Ongoing Statewide Concerns":

The "Ongoing Statewide Concerns" section of the Chapter 4 highlights some important topics that should, in large part, orient much of the rest of the Water Plan.
The discussion of drought impacts on pages 4-14 and 4-26 needs updating to reflect dramatically worsened conditions since the summer of 2008.

The text describing the state's four major Delta initiatives on pages 4-29 and 4-30 is a fairer representation of the full breadth of effort in this area than other sections devoted exclusively to Delta Vision, including, especially, the text in "Objective 7" of the "Implementation Plan" chapter (Chapter 7).

Finally, the Governor's Strategic Growth Plan proposal, described on pages 4-27 and 4-28, or some similar package, including "new water storage," "Delta sustainability," and "water resources stewardship," is absolutely indispensable to the State's future. Without massive public and private investment in *all three* of these essential elements, that future will be quite dim.

Volume 1, Chapter 5—"Managing an Uncertain Future":

Table 5-3, describing assumptions for the various scenarios, concerning "unmet environmental flows," are, according to the text, "based on objectives for instream flow needs or additional deliveries to managed wetlands that have been identified by regulatory agencies or pending court decisions, but are not yet required by law." On one hand, it is very important to take account of increasing environmental water demand over time, particularly to the extent this category of water use is, by far, the fastest growing at this juncture and, consequently, because it has profound impacts on other categories of water use, water supply, and water supply reliability. On the other hand, however, it is difficult to know what existing targets to use in making such a projection and whether a particular set of assumptions or targets will, in fact, produce a reliable snapshot of a plausible range alternative futures.

Concerning the assumptions underlying Table 5-3, for example, we are somewhat concerned that some of the "unmet objectives" employed, including dated ERP outflow targets and Level 4 refuge supplies, are not in fact useful predictors of a plausible future at this time. Does this water represent an actual, likely future—or will other potential targets and current and future developments (on judicial, regulatory, on-going planning, and future water operations fronts, for example) result in some radically different future?

Faced with such uncertainties, a bracketed approach, organized around various contrasting "themes" ("current trends," "blueprint growth," "expansive growth," etc.) seems reasonable. The targets and assumptions that go into these ranges, however, should reflect current thinking, as well as past thinking, and describe, so far as possible, a set of reasonably probable future conditions. Thus, for example, dated thinking from the CALFED ERP, for example, should be compared to more recent thinking for the Bay-Delta Conservation Plan and from Delta Vision. Here, modified Delta conveyance, in particular, could radically alter the volume and timing of instream flows, just as the state is currently witnessing the very great extent to which a lack of

adequate conveyance can, similarly, reshape our assumptions regarding environmental flows and available water supplies.

Lastly and perhaps most importantly, the text states at page 5-16 that the Water Plans current "unmet objectives" "do not include additional water to protect species in the Delta resulting from the December 2008 Delta Smelt Biological Opinion issues by the U.S. Fish and Wildlife Service." This limitation, more than any other perhaps, would appear to represent a severe constrain on the usefulness of the current 'unmet objectives' component of the Water Plan's various scenarios. While it is easy to understand why this information was perhaps unavailable for the analyses that have gone, so far, into the public review draft Water Plan, it would seem a glaring oversight if these data were not subsequently incorporated in the final Water Plan, where, to omit them, could otherwise produce a very skewed view of the total available water supply in the state that may simply not jibe with radically altered conditions on the ground. In this context, a set of more useful environmental water scenarios for future planning purposes might include highs and lows for pre-Wanger/pre-OCAP biop conditions, post-Wanger/post-OCAP biop (i.e., current) conditions, and potential future scenarios with and without modified Delta conveyance and/or additional storage.

Volume 1, Chapter 7—"Implementation Plan":

Objective 1 re: Integrated Regional Water Management / 'Regional Self-Sufficiency':

Generally speaking, the approach is a useful one and its continued development is warranted. At the same time, however, it is important to recognize that complete "self-sufficiency" at the regional level is, in reality, a physical impossibility in areas of the state that rely heavily on imported water to meet a very large demand. Given California's variable climate, the growing shortfall in reliable water supplies, and the anticipated impacts of long-term climate change, the recommendation to include climate change adaptation as an express component of future integrated regional water management planning is good one (p. 7-4). Here though, as elsewhere, regional measures alone will be insufficient, and rather there is a need for stronger linkage to large-scale projects with significant statewide benefits as part of the larger blueprint to ensure as a sustainable water future for the state.

Strong policy recommendations on such projects, beyond vague discussion of various "strategies" and cataloguing of studies and proposals in different stages of incompletion, seem lacking in the current document. To fulfill this more difficult charge, would require boldly charting a future course to truly ensure "the orderly and coordinated control, protection, conservation development, and utilization of the water resources of the state," including a clear estimate of "the amount of water needed to meet the state's future needs," and specific recommendations on "programs, policies, and facilities to meet those needs."

Objective 2 re: Water Use Efficiency:

Concerning Related Action #2 (re: "full implementation" of Agricultural EWMPs, p. 7-5), the EWMPs themselves are currently grouped and structured in the existing Agricultural Water Management MOU with the express understanding that some EWMPs should be universally

adopted, while others should be adopted only as appropriate following a "net benefit analysis" (including criteria to determine whether such EWMPs are technically and economically feasible and beneficial). Preparation, submission, review and endorsement, revision, implementation and reporting on progress concerning Agricultural Water Management Plans and the EWMPs is governed by the MOU and based upon the voluntary participation of the signatories thereto.

In parallel with—but not as a substitute for substantial investment in the state's water infrastructure, including new surface and groundwater storage and improved regional and interregional conveyance—Farm Bureau supports aggressively pursuing recycled water as a potential significant and relatively untapped source of new water that could reduce overall reliance on imported water in certain areas, increase drought resilience, reduce net energy consumption, and provide other potential benefits. (See Related Action #4.) Use of recycled water, however, including the potential use of such water for irrigation, must ensure food safety and human health and protect the quality of underlying aquifers and surface water resources alike.

Objective 3 re: Conjunctive Management:

Farm Bureau strongly agrees with the overall perspective of this strategy, though not necessarily with all of the specific recommendations. For example, we agree particularly with the statement, "*Additional groundwater and surface water storage and water conveyance improvements are needed to provide flexibility to facilitate water transfers and to provide for better flood management, water quality, and system reliability, in response to daily and seasonal variations and uncertainties in water supply and use.*" The points concerning drought-time reliability, overdraft prevention, opportunistic pumping of peak flows, and offsetting potential for snowpack loss are also well taken.

We must also take a positive view of the recommendations regarding conjunctive water management planning and groundwater banking and storage as key components of any on-going integrated regional management planning efforts (Related Actions #'s 1 & 2), effective AB 3030 planning as a vehicle for responsible local stewardship of existing groundwater resources (See Related Action #3), and protecting groundwater recharge areas through sound and deliberate land use planning (Related Action #4).

In regards to the recommendation concerning a proposed System Reoperation Task Force (Related Action #6), on one hand, we see the need for a comprehensive look at potential optimization and modernization of existing reservoir operations to better meet and balance current and potential future needs; on the other hand, however, the scattered operations of a myriad of autonomous and yet interconnected reservoirs, under the control of a myriad of operators, even within a single watershed or waterbody, could easily make any such effort impractical, unwieldy, controversial, and potentially infeasible.

To make any hard or specific recommendations beyond a mere technical assessment and general characterization of potential opportunities and obstacles in the way of system reoperation could potentially exclude the input of affected stakeholders on any of a number of the state's rivers and streams. The meaning of the phrase, "appropriate stakeholders," as used in recommendation #6

on page 7-8, is unclear, but in our estimation would necessarily include, at a minimum, the local reservoir operators and affected persons in each watershed who depend upon a particular reservoir or series of reservoirs for a particular set of purposes, including especially any affected water rights holders and diverters.

Evaluating "the need to amend flow objectives," where such determinations are currently considered under the specific jurisdiction of a variety of agencies in a variety of existing forums and regulatory processes, would, in our view, be an inappropriate task for the proposed Reoperation Task Force. Moreover, such a Task Force would again need to seek appropriate input and representation and avoid making recommendations for reservoir reoperation that could alter or adversely affect existing water rights and current water supplies, or impermissibly reallocate water from one use to another or, in any way, circumvent necessary due process and private property protections ordinarily required with respect to such matters, or in any other way significantly diminish, compromise, curtail or eliminate existing beneficial uses.

Regarding the evaluation of potential system reoperation and climate change scenarios in relation to the CALFED surface storage investigations, including Sites Reservoir and the Upper San Joaquin River Basin Storage Investigations (Related Action #7), though not directly germane to the topic addressed in this objective, we believe it is also critically important that these investigations likewise consider potential synergies or other future implications of current scenarios involving potential conveyance improvements in the Delta.

Objective 4 re: Water Quality:

Regarding Related Action #1, TMDLs, and the recommendation to fully protect all beneficial uses in 2006-listed water bodies by 2030, whereas TMDLs are required under state and federal law, such TMDLs are mandatory controls on water quality for which the State and Regional Water Quality Control Boards (and, in some cases, the USEPA) are ultimately responsible.. To the extent those same controls are very complicated, however, subject to relative prioritization, and not easily implementable either in a short time or all at once, a statewide strategy and set of long-term goals to ensure adequate water quality and protection of beneficial uses is certainly preferable to haphazard implementation without clear policy and environmental protection goals in mind. In terms of prioritization of the limited number of TMDLs that can at any one time be adequately staffed and developed, both near-term efforts and any on-going efforts thereafter should focus first on those TMDLs that are likely to yield the greatest benefits to overall water quality (and, by extension, adequate water supply). TMDLs and their associated implementation plans should be realistic and achievable, as a practical matter, taking account of associated economic costs, and should be equitable in terms of a proportionate sharing of responsibility for compliance among relevant parties.

The assumption implicit in Related Action #3 that there is any direct or one-to-one linkage between increased local supplies and the goal to "ensure adequate flows for fish and wildlife habitat" is, perhaps, unwarranted, unless it is assumed that an increment in local supplies will necessarily translate into a reduction in diversions or, in the case of the projects, in reduced reliance on imported water. To the extent diversions at recent historic levels and higher will likely be needed to meet growing demand in the future, such an assumption may be incorrect, at

least as a general proposition. This, in part, is one of the reasons that, alongside efforts to increase efficiency, better manage our existing supplies, and increase local water supplies, Farm Bureau believes that sustainably meeting the needs of all water users is not possible without robust investment in our statewide water storage and distribution system as well local and regional water sources. Also, though we applaud the ambitious target, assuming it can be actually realized, we are somewhat puzzled by the source of the unexplained, but very specific target of 1,750,000 acre feet in excess of 2002 levels by 2015 and, furthermore, as to why the activities detailed under this related action are seen as "water quality" actions, as opposed to water efficiency or environmental stewardship or integrated regional water management, or some other more suitable category of recommended actions.

Objective 5 re: Environmental Stewardship:

The heightened level of conflict currently existing in the state would seem, absolutely, to underline the truth of the statement that, "Water supply and flood management are significantly more sustainable and economical when they preserve, enhance, and restore ecosystem functions." In this context, the notions of "adaptive capacity" and "resilience" and how better to embed these desirable attributes in our system have become a critical imperative. As the Delta Vision Blue Ribbon Task Force put it in their October 2008 Strategic Plan, "There can be no sustainable and reliable water supply without a healthy Delta ecosystem free of court-ordered, individual species protection actions. At the same time, the Delta ecosystem cannot remain healthy if the state's economy suffers for lack of water." (Delta Vision Strategic Plan, p. 23.) Along these same lines, we are struck by the statements attributed to Tim Quinn of ACWA, in Box 2-6 of the Public Review Draft (Chapter 2, p. 2-24) ("The real prize today is a sustainable system.").[2] The current posture of state's "water wars" clearly demonstrates the truth of these statements. To remain locked indefinitely in a zero-sum game of attrition and inaction benefits no one—neither the state's economy and the water users who depend on an adequate and reliable water supply, nor the environment and its defenders.

The various warring factions within the state must challenge past assumptions and formulate new approaches to ultimately strike upon a more sustainable and less conflict-ridden middle path. Here, in part, the key to a resilient and sustainable system that accommodates both the environment and an adequate and reliable water supply for all users is an approach that acts vigorously and simultaneously on both the supply and demand fronts: On the "supply" side, *both* improved Delta conveyance *and* additional storage (surface and groundwater, north, south, upstream and downstream of the Delta) are sorely needed to increase flexibility and capacity for the dual management goals. On the "demand" side though, as well, significant sustained investment in efficiency, alternative water supplies, and improved regional and local management are undeniably necessary, if the state is to succeed in narrowing the steadily widening chasm between available supplies and current and future demand that we face today and in days to come.

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[2] In this vein, the discussion of "Sustainability," on pages 5-8 through 5-10, including the "foundational actions" of efficient water use, water quality, and environmental stewardship, is also quite useful. To these foundational actions, however, there should be added the investment in water infrastructure to afford maximum flexibility to meet both human and environmental needs.

Regarding "Related Action" #6 (re: streamflows), the completion of advisory streamflow studies, by the California Department of Fish & Game, subject to available funding, etc., is a requirement of existing law. (Public Resources Code, §§ 10000-10005.) Focused as there are, however, on the single-purpose objective of fish and wildlife protection, it is important to recognize that the Department's minimum flow recommendations are intended only to inform the more difficult balancing of public trust values against water rights, beneficial uses, and the broader public interest that the State Water Board must subsequently undertake when considering new water rights applications. (See Water Code, § 1257.5.) The public trust doctrine itself, as clearly articulated by the California Supreme Court in *National Audubon Society v. Superior Court of Alpine County*, 33 Cal.3d 419 (1983), requires a *balancing* of public trust values (fish and wildlife, navigation, recreation, etc.) against the broader public interest, including economic and consumptive uses of water.[3] Thus, minimum flow requirements can inform, but do not *define* the public interest in terms of a reasonable balancing of the need for consumptive water use against the need for instream flow to protect fish and wildlife.[4]

VOLUME 2, "RESOURCES MANAGEMENT STRATEGIES":

With the exception of the comments submitted below on the "Ecosystem Restoration," "Agricultural Lands Stewardship," "Forest Management," and the "Other Resource Management Strategies" chapters (Chapters 22, 20, 23, 27, and 29, respectively), Farm Bureau submitted extensive comments on working drafts of several of the remaining Resource Management Strategy chapters in August of 2008 and also participated in a series of stakeholder workshop relating to those topics around that time. We incorporate these prior comments by reference herein, but otherwise trust this prior input has been taken into account and is reflected as the Department has deemed appropriate in the current public review draft.

Volume 2, Chapter 20 – "Agricultural Lands Stewardship":

Agricultural Lands Stewardship in California, 2nd paragraph (1st paragraph of inset quote) (p. 20-2)

We recognize that this is a quote from the Giannini Report, but are concerned about the description of California agriculture as not "family-farm[s]." It is true that California agriculture is more dynamic, diverse, and vastly different from agriculture in the rest of the country. While some California farms have grown in scale, others have targeted niche markets, and many have incorporated for business purposes. However, the majority of California farms remain family-owned and operated.

Agricultural Lands Stewardship Practices and Strategies
Box 20-2 Example of Agricultural Lands Stewardship Practices (pp. 20-4,5)

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[3] *See* Water Code, §§ 1253, 1257, 1257.5; *National Audubon Society v. Superior Court of Alpine County*, 33 Cal.3d 419, 446-447; *State Water Resources Control Board Cases*, 136 Cal.App.4th 674, 777-778. *See also*, related comments above under Chapter 2, "Imperative to Act."

[4] Note: The same point applies equally to the section discussing "Inadequate Streamflows," on pages 4-7 and 4-8 of Chapter 4 ("California Water Today") and, also, to discussion on page 22-8 of Chapter 22 ("Ecosystem Restoration") and Recommendation #4 on p. 22-10 ("Instream flow needs").

Bullet #9, "livestock access," and the first sentence of bullet #16, "exclusion fencing" should be combined into one bullet titled "grazing management." Fencing is one of many grazing management tools; other examples include herding, nutrient intake, composition of animals in group, or the location of feed, salt blocks, and water.

Potential Benefits of Agricultural Lands Stewardship (pp. 20-10,11,12)

#2 - We appreciate the recognition of the role of agricultural lands stewardship in regional growth strategies and for the public benefits they provide.

#9-Energy Benefits – Agricultural lands stewardship can also produce solar and hydrologic energy.

A very important benefit of agricultural lands stewardship is missing, and should be added as an independent bullet: "a safe, nutritious, affordable, domestic food supply."

Potential Costs of Agricultural Lands Stewardship (p. 20-12)

This heading should be clarified to read: "Potential *Economic* Costs of Agricultural Lands Stewardship."

Paragraph 2 (p. 20-12) should include the concept that "it is difficult to quantify the costs which are prevented by agricultural land stewardship."

Major Issues Facing Agricultural Lands Stewardship (p. 20-14)

Issue 6, Regulatory Barriers to Agricultural Lands Stewardship (p. 20-15) and Issue 10, Regulatory Assurances (p. 20-16) – are the two primary barriers to the implementation of conservation practices by farmers.

Issue 7, Burden of Bureaucracy (p. 20-15) and Issue 18, Landowner Concerns (p. 20-17) – our farmer members have told us these are the two primary reasons why they don't pursue conservation financial assistance.

Issue 16, Agricultural Conservation Easements are Forever (p. 20-17) – many farmers are hesitant to relinquish their development rights in perpetuity. Farm Bureau believes conservation easements can be a valuable tool for some farmers and ranchers – particularly those in the urban/rural interface where developmental pressure makes it difficult to profitably keep the land in farming. Conservation easements come in many forms, and we encourage farmers to carefully consider which property rights they are willing to sell, for what price, and for how long.

Recommendations to Promote and Facilitate Agricultural Lands Stewardship

I.A.i. (p. 20-19) – This recommendation should also include consultation with the Department of Commerce, National Oceanic and Atmospheric Administration, as this is the agency that administers the Endangered Species Act for aquatic species.

I.B.i. (p. 20-19) - Farm Bureau strongly supports the development of permit coordination wherever possible, as this will encourage more landowners to actively participate in agricultural lands stewardship.

I.C.iii. (p. 20-21) - Farm Bureau does not support the Governor establishing a coordinated conservation land acquisition program for the purpose of land acquisition. The government in one form or another already owns more than half of the State. We would support a coordinated effort of "maintaining working lands in private ownership using conservation easements."

I.D. (pp. 20-22,23) – Farm Bureau recognizes the need for continued research so landowners can apply agricultural stewardship practices based upon the best available science.

Volume 2, Chapter 22—"Ecosystem Restoration":

The discussion of potential "reliability" and "sustainability" benefits of improved water management for both human and natural benefits is essentially correct. (See pages 22-3 and 22-4.) This is a paradoxical, but fundamentally accurate conception of how better to approach water management both now and in the future. Deliberate management for these dual objectives is key to a more reliable, more sustainable, and more resilient system in the future.[5]

Several sections of the "Ecosystem Restoration"—including the discussion of natural variability on page 22-1, the discussion of "Sustainability" on page 22-4, the discussion of "Climate Change" on page 22-7, as well as Recommendation #1, on page 22-9, concerning "climate change adaptations that benefit both ecosystem and water and flood management"—invite the fairly obvious conclusion that a system that incorporates greater storage and conveyance capacity to accommodate added flexibility and more altered timing of releases and diversions to more closely mimic natural flows is the best way to optimally meet both human and environmental demands on the system; unfortunately, nowhere in the current draft of this chapter is this conclusion actually spelled out. Readers familiar with the Bay-Delta Conservation Plan and Delta Vision processes referenced on page 22-2 may recognize this notion as one of core strategies of both efforts. More than such oblique or merely inferential references, however, the chapter needs an express recommendation concerning the potential significant opportunities for enhanced flexibility, resiliency, and sustainability that can be achieved in the future through timely investment in improved conveyance and additional storage today.

Regarding the references to minimum flow recommendations by the Department of Fish and Game in the text on page 22-8 and in Recommendation #4 on page 22-10, please see our related comments above with reference to "Related Action 6," "Objective 5" ("Environmental Stewardship") in Chapter 7 ("Implementation").

Volume 2, Chapter 23 – "Forest Resource Management Strategy":

[5] See related comments above on Objective 5 ("Environmental Stewardship") in Chapter 7 ("Implementation Plan").

According to this report, 64.9% of California's forest land is owned by a government entity, be it county, state, or federal. Government agencies must adhere to numerous regulatory processes, including comprehensive public input, in order to implement any management practice. Unfortunately, this process is significantly delayed through regulatory appeals and litigation – which is the primary impediment to forest management.

Potential Benefits of Forest Management
Meadow Groundwater Storage (pp. 23-5,6,7)
Paragraph 7 (p. 23-6) - A number of mountain meadows are decreasing in size and water content due to the encroachment of conifers. Active management of conifers and other woody species is important to maintaining healthy meadows. While the drought may be the initial cause of conifer encroachment, tree and brush growth only exacerbates the loss of water in the meadow.

Paragraph 9 (p. 23-6) – Farm Bureau strongly agrees that "permanent exclusion of livestock is not generally necessary to protect riparian resources if pastures are effectively managed to limit cattle numbers, distribution, and seasons of use."

Fuels/Fire Management (pp. 23-9,10)
Paragraph 4 (p. 23-10) – Farm Bureau is particularly concerned that a lack of fuels reduction has resulted in the "catastrophic high-intensity stand-replacing fires" of today. Unlike historical fires that helped rejuvenate the land, these fire storms cause immense destruction to watersheds, habitat, wildlife, and ecological systems. In addition, they are increasingly costly and dangerous to fight.

Paragraph 5 (p. 23-10) accurately describes how fuel reduction projects will decrease these catastrophic fires, and that 70% of national forest lands in California are in need of these treatments to reduce fuel loads to natural levels. Farm Bureau supports the multiple-use of Forest Service lands, which is the mandate upon which they were established. We understand the challenge the Forest Service and other federal agencies face to make decisions based upon comprehensive public input, and their obligation to defend these decisions in court. Unfortunately, more time and money is spent doing just that, than in managing resources on the ground. Timber management has declined sharply since the late 1980's due primarily to environmental litigation and species protections.

Declining management has resulted in an ever-increasing fuel load and poor road system maintenance. Poor road maintenance impairs water quality (as discussed in the next section "Road Maintenance"), results in slow initial attack and lessens the ability to hit fires early and keep them small.

Road Management (p. 23-10)
Paragraph 1 (p. 23-11) - The condition of national forest roads described here as been repeatedly ground-truthed by our members throughout the state who utilize public lands for grazing allotments or other uses. In addition, these forest roads are now primarily used for recreation, such as mountain bikes, and off-road motor vehicles.

Farm Bureau would like to suggest additional "potential benefits of forest management," specific to government-owned forest land:

- A Domestic, Sustainably-Produced Supply of renewable resources in the form of wood and paper products.
    - Because of our declining ability to harvest timber, we are becoming a state, which, instead of responsibly using our own natural resources, consumes additional fuel to import them from other countries that have minimal protection for the workers, the environment, and wildlife.
- Carbon Sequestration – Healthy, managed forests optimize carbon sequestration in their trees. After harvest, wood products continue to store that carbon, unlike other materials such as steel, concrete, and plastic. As California seeks to reduce greenhouse gas emissions, we must acknowledge the immense amount of carbon released from dead and dying trees as well as from large-scale forest fires.
- Available and Appropriate Recreational Use – As the state's population continues to grow, there is an increased interest in using our national forests for recreational purposes. Unfortunately, these uses are becoming an increasing cause of damage in our forests. Managing forests for appropriate recreational use will protect the environment, wildlife, and the recreational experience.
- Minimized Illegal Activity – Some national forests are challenged with chronic illegal activity, particularly the growing of marijuana in remote locations. Not only is this dangerous for any publics who may happen upon a marijuana garden, it also has a huge impact on water quality and the environment. The gardens are grown close to streams, use unauthorized types and amounts of chemicals, and leave behind toxic waste.
- Biomass Opportunities – Forest management offers great opportunities for biomass energy generation. Woody biomass removed as part of thinning and restoration practices could be used to generate renewable energy through cogeneration plants.

Major Issues Facing Forest Management
Limited Funding for Forest Watershed Restoration (p. 23-15)
This section accurately states that "revenue-generating timber sales have declined since the mid 1980's." Besides decreasing funding for watershed restoration, this has had a major impact on surrounding rural communities. In establishing our National Forests, the 1908 Congress chartered a timber receipts program that provides 25% of Forest revenues back to forest counties. The idea was to offset the effects of removing these lands, often 65-90% of the county land base, from economic development. The lack of forest management over the past 20 years has caused an 85% decline in revenues generated on our National Forests, which has greatly impacted the surrounding rural communities. Restoring timber-harvesting levels would provide rural communities the ability to make an honest living, as well as contribute to the original timber receipts system that is such a significant part of funding for their local infrastructure.

Regulatory Requirements (p. 23-15)
Besides the duplicative environmental reviews discussed in this section, forest management is also delayed by public appeals and litigation. Ironically, many of the regulations meant to protect species and the environment often impede proper forest management, thus leading to catastrophic fires. Public appeals and litigation delay or even eliminate many thinning or fuels

management projects on public lands. In order for forests to be healthy, they need to be managed.

One of the most frustrating processes is litigation on a proposed salvage timber sale. Salvage sales are offered following a fire, and there is short time period during which any commercial value can be obtained from the damaged trees. If enough time passes (usually one to two years) before the litigation is settled, there is no longer any value for the sale. In addition, the land is more difficult to restore and downed trees and woody debris are prone to disease and insects, and become fuel for the next fire.

Volume 2, Chapter 29—"Other Resource Management Strategies":

Concerning large-scale agricultural land retirement, we do not view the option as a true management strategy, to the extent it is relies on the deliberate elimination of one class of existing beneficial uses to supply other competing uses. In the context of the California Water Plan, this is out of keeping with the fundamental statutory mandates of Water Code sections 10004 and 10004.5 to "plan for the orderly and coordinated control, *protection*, conservation, development and *utilization* of the water resources of the state," to discuss strategies that "may be pursued in order to meet the future water needs of the state," and to "determine the amount of water needed *to meet* the state's future needs and to recommend programs, policies, and facilities *to meet* those needs."

A strategy that proposes to "meet" the state's water needs or to provide for "protection," "development," and "utilization" of the state's water resources by simply *eliminating* a certain category of existing use does not, in fact, meet with the Water Plan's statutory charge. Moreover, the land retirement "strategy" is inconsistent with numerous state and federal policies promoting agriculture and the preservation of productive agricultural lands, including the Thurman Agricultural Policy Act,[6] the Williamson Act,[7] the Farmland Conservancy Act,[8] the

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[6] Thurman Agricultural Policy Act (Food & Ag. Code, § 801, et seq.):

802. The Legislature finds and declares the following:
(a) Agriculture is the number one industry in California, which is the leading agricultural state in the country.
(b) Although California's cultivated land accounts for approximately 3 percent of the country's entire supply of farmland, the state has historically produced about 10 percent of the farm cash receipts in the United States.
(c) California leads the nation in the production of approximately 50 different crops and livestock products.
(d) The diversity of the state's agriculture is truly impressive, for over 250 different commodities are grown here.
(e) Family owned farms produce most of the food and fiber produced by the California agricultural industry.
(f) The economic strength of the California's agricultural industry depends on farmers and ranchers being able to profitably market the commodities and products raised.
(g) A profitable and healthy farming industry must be sustained by a sound natural resource base of soils, water, and air which is developed, conserved, and maintained to ensure sufficient quantities and the highest optimum quality possible.

821. As part of promoting and protecting the agricultural industry of the state and for the protection of public health, safety, and welfare, the Legislature shall provide for a continuing sound and healthy agriculture in California and shall encourage a productive and profitable agriculture. Major principles of the state's agricultural policy shall be all of the following:

(a) To increase the sale of crops and livestock products produced by farmers, ranchers, and processors of food and fiber in this state.

(b) To enhance the potential for domestic and international marketing of California agricultural products through fostering the creation of value additions to commodities and the development of new consumer products.
(c) To sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air, which are agriculture's basic resources.
(d) To maximize the ability of farmers, ranchers, and processors to learn about and adopt practices that will best enable them to achieve the policies stated in this section.

[7] California Land Conservation Act of 1965 or "Williamson Act" (Gov. Code, § 51200, et seq.):

51220. The Legislature finds:
(a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for
the assurance of adequate, healthful and nutritious food for future residents of this state and nation.
(b) That the agricultural work force is vital to sustaining agricultural productivity; that this work force has the lowest average income of any occupational group in this state; that there exists a need to house this work force of crisis proportions which requires including among agricultural uses the housing of agricultural laborers; and that such use of agricultural land is in the public interest and in conformity with the state's Farmworker Housing Assistance Plan.
(c) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontiguous urban development patterns which
unnecessarily increase the costs of community services to community residents.
(d) That in a rapidly urbanizing society agricultural lands have definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.
(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.
(f) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.

[8] California Farmland Conservancy Program (Pub. Res. Code, § 10200, et seq.):

10201. The Legislature hereby finds and declares all of the following:
(a) The agricultural lands of the state contribute substantially to the state, national, and world food supply and are a vital part of the state's economy.
(b) The growing population and expanding economy of the state have had a profound impact on the ability of the public and private sectors to conserve land for the production of food and fiber, especially agricultural land around urban areas.
(c) Agricultural lands near urban areas that are maintained in productive agricultural use are a significant part of California's agricultural heritage. These lands contribute to the economic betterment of local areas and the entire state and are an important source of food, fiber, and other agricultural products. Conserving these lands is necessary due to increasing development pressures and the effects of urbanization on farmlands close to cities.
(d) The long-term conservation of agricultural land is necessary to safeguard an adequate supply of agricultural land and to balance the increasing development pressures around urban areas.
(e) A program to encourage and make possible the long-term conservation of agricultural lands is a necessary part of the state's agricultural land protection policies and programs, and it is appropriate to expend money for that purpose. A program of this nature will only be effective when used in concert with local planning and zoning strategies to conserve agricultural land. (f) Funding is necessary to better address the needs of conserving agricultural land near

California Environmental Quality Act (CEQA),[9] and the federal Farmland Protection Policy Act.[10] In addition, section 411 of the Food & Agriculture Code pertains specifically to agricultural water supplies and the California Water Plan.[11] Such policies and statutory

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urban areas.

10202. It is the intent of the Legislature, in enacting this division, to do all of the following:
(a) Encourage voluntary, long-term private stewardship of agricultural lands by offering landowners financial incentives.
(b) Protect farming and ranching operations in agricultural areas from nonfarm or nonranch land uses that may hinder and curtail farming or ranching operations.
(c) Encourage long-term conservation of productive agricultural lands in order to protect the agricultural economy of rural communities, as well as that of the state, for future generations of Californians.
(d) Encourage local land use planning for orderly and efficient urban growth and conservation of agricultural land.
(e) Encourage local land use planning decisions that are consistent with the state's policies with regard to agricultural land conservation.
(f) Encourage improvements to enhance long-term sustainable agricultural uses.

[9] Pub. Res. Code, §§ 21060, 21068, 21095.

[10] Farmland Protection Policy Act (42 U.S.C. § 4201, et seq.):

Sec. 4201. General provisions

(a) Congressional statement of findings

Congress finds that--
(1) the Nation's farmland is a unique natural resource and provides food and fiber necessary for the continued welfare of the people of the United States;
(2) each year, a large amount of the Nation's farmland is irrevocably converted from actual or potential agricultural use to nonagricultural use;
(3) continued decrease in the Nation's farmland base may threaten the ability of the United States to produce food and fiber in sufficient quantities to meet domestic needs and the demands of our export markets;
(4) the extensive use of farmland for nonagricultural purposes undermines the economic base of many rural areas;
(5) Federal actions, in many cases, result in the conversion of farmland to nonagricultural uses where alternative actions would be preferred;
(6) the Department of Agriculture is the agency primarily responsible for the implementation of Federal policy with respect to United States farmland, assuring the maintenance of the agricultural production capacity of the United States, and has the personnel and other resources needed to implement national farmland protection policy; and
(7) the Department of Agriculture and other Federal agencies should take steps to assure that the actions of the Federal Government do not cause United States farmland to be irreversibly converted to nonagricultural uses in cases in which other national interests do not override the importance of the protection of farmland nor otherwise outweigh the benefits of maintaining farmland resources.

[11] Food & Agriculture Code section 411:
411. (a) The Department of Food and Agriculture shall supply the Department of Water Resources with a forecast that estimates the amount of production of food, fiber, livestock, and other farm products.
(b) As part of the forecast, the Department of Food and Agriculture's assumptions shall be based upon 20-year estimates that include, but are not limited to, the following data:
(1) Land use conversion rates and the amount of land available for agricultural production.
(2) The growing need for food, fiber, livestock and other farm products as the state's and the nation's populations grow.
(3) Implementation of irrigation technology and other on-farm water conservation measures.

mandates should be taken as general guidance for the California Water Plan as a whole, but particularly when it comes to proposed "strategies" that would supply competing water needs of the state by simply reallocating supplies away from existing agricultural uses.

Also relating to the issue of land retirement, the discussion of "Potential Benefits" associated with land retirement and, indeed, the whole of the proposed "strategy" of land retirement overlooks the alternative or provision of a permanent drainage solution for west side agriculture. In fact, such a solution would provide far greater water supply and water quality benefits than land retirement and, thus, its omission in the California Water Plan is significant. While the issue is touched upon in the "San Joaquin River Valley Hydrologic Region" chapter and in the "Salt Management" chapter, it is not addressed head on, so far as we tell, anywhere in the current public review draft.

Regarding crop idling (p. 29-1 through 29-3), the text discusses the Palo Verde-M WD transfer, but inexplicably omits any discussion of the more complex, long-term, and significantly larger IID-SDCWA transfer. Also regarding crop idling as a "resource management strategy," as noted above concerning land retirement, existing laws clearly establish the strong state and federal interest in farmland protection and promotion of agriculture; accordingly, as a matter of general principle, any crop idling program that results, directly or indirectly, in a significant long-term loss of existing farmland or in any significant reallocation of agricultural water away from established agriculture use is ultimately contrary to the important state and federal policies outlined above.

Concerning "rainfed agriculture," in light of numerous statements acknowledging that this "strategy" results in little actual water supply and is, in fact, largely infeasible in California, we are somewhat puzzled by the lengthy discussion devoted to this topic in the text, as if it were an actual, viable option for the state's agricultural water users. Like land retirement, rather than proposing an actual strategy to meet the water supply needs of all water users in the state, the topic seems to fall somewhat in the category of unproductive, hypothetical speculation, as to how the state could make more water available for all other users, if it could only somehow ignore the very real problem of insufficient existing water supplies for existing agricultural water use. To

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(4) Advances in crop yields and production techniques.

(5) Alternate uses of crops.

(c) The department shall include an additional table in the forecast that estimates the agricultural water needs based upon food security considerations that include, at a minimum, the following:

(1) Population growth estimates.

(2) Production of farm products sufficient to feed the state's population, as well as continue to provide at least 25 percent of the nation's table food.

(3) Production necessary to meet the growth in export markets.

(d) To the extent feasible, the Department of Food and Agriculture may cooperate with the Department of Finance, the University of California, and other institutions and organizations in obtaining information for the forecasts.

(e) The Department of Food and Agriculture shall furnish the forecast to the Department of Water Resources for estimating related water usage, as well as to the Chairs of the Assembly Committee on Agriculture, the Assembly Committee on Water, Parks, and Wildlife, and the Senate Committee on Agriculture and Water Resources. The Department of Water Resources shall include this information in Bulletin 160.

be sure, it is relevant and useful to know what portion of agricultural demand is met directly by natural precipitation—and, also, how specialized techniques such as no-till and low-till soil management, deficit irrigation, and alfalfa summer dry-down practices can potentially help to stretch our limited water resources further; in general, however, the term "rainfed agriculture," like "regional self-sufficiency," in certain areas of the state, is an unfortunate misnomer that can tend to obfuscate perceptions of the need for more viable and complete solutions.

VOLUME 3, REGIONAL REPORTS:

Volume 3 Regional Reports, Chapter 6—Sacramento River Hydrologic Region:

Regarding the discussion of Fish & Game Code sections 5901, 5937, and 1602 in the "Environmental Water" section on page 6-7, the text, as currently draft, does not accurately describe the scope of DFG Code §1602. That statute only requires that the Department be notified of streambed altering activities, then the Department must determine whether a LSAA is required. There is no automatic LSAA requirement. Furthermore, the language of this paragraph implies that all diversions require notification under §1602. This is not supported by the language of the statute, its legislative history, or its historical application. As described, this paragraph incorrectly describes the law.

From a statewide agricultural standpoint, fish passage and competing agricultural water supply issues relating to the Red Bluff Diversion Dam are a major emerging issue for the Sacramento River Hydrologic Region. While this issue is alluded to in the current text of the chapter, on pages 6-8 and 6-10, there is little or no discussion of potential, projected, or already existing water supply issues and impacts associated with the existing diversion dam or any discussion of potential solutions to this problem or of the various challenges associated with this problem.

Two additional problems scarcely mentioned in the Sacramento River Hydrologic Region chapter, if at all, and yet of tremendously importance to both the Sacramento Valley Region and much of the remainder of the state, are the issues of coldwater pool management for anadromous fish and releases from upstream Northern California reservoirs to meet Delta flow and water quality standards, as well as the associated water supply conflicts these dual management needs can often produce.

Volume 3 Regional Reports, Chapter 7—San Joaquin River Hydrologic Region:

The text on page 7-6, addressing the December 2008 USFWS OCAP biological opinion for the delta smelt and associated water supply impacts, should be expanded and updated to include the June 2008 NOAA Fisheries OCAP biological opinion for salmon, steelhead, and green sturgeon. Similarly, in the "Environmental Water" section immediately following, the text should be updated to include mention of Congress' recent legislative approval of the San Joaquin River Restoration Agreement.

Regarding the text on page 7-7, relating to the Vernalis Adaptive Management Prom (VAMP), it is pertinent to note that the initial term of this 10-year adaptive management experiment ends in 2011. The State Water Resources Control Board is currently considering VAMP and San

Joaquin River flow issues, generally, as part of its current Bay-Delta Strategic Plan and in the Triennial Review of the Bay-Delta Water Quality Control Plan.

On the same page (7-7), in the description of the Central Valley Project Improvement Act, the text should mention some of the major impacts of this law, including the reallocation of 800,000 acre-feet of CVP project to instream use in the 1990s, the creation of the National Wildlife Refuges with priority rights to available project yield, and the so-called "fish doubling" goal.

On page 7-8, concerning the San Joaquin River Restoration Program, as on page 7-7, the text should be updated to include mention of Congress' recent approval of the Omnibus Public Lands Package of 2009, including federal authorization of the underlying settlement agreements and initial funding for the Restoration Program.

Concerning the discussion of groundwater as an important water supply for the San Joaquin Valley, on page 7-9 (third and fourth paragraphs), including, for example, the statement that "[s]hortfalls in surface supplies can be made up with groundwater where it is available and useable," it is also important to point out that reliance on groundwater as a supplemental supply becomes increasingly problematic in times of drought and in years when imported surface water supplies to the region is significantly curtailed. In the current regulatory climate, for example, the lack of imported surface water because of restrictions on Delta exports associated with steadily tightening species protections under the federal Endangered Species Act, places a heightened strain on limited groundwater resources in the region and also has serious economic implications in terms of the significant proportion of permanent as opposed annual crops now present in the region, as well as the economic base of the region and the large number of agricultural jobs that these and other crops in the region support.

The text at the bottom of page 7-18, referring to the Freeport Regional Water Project, should describe how much more water will be taken from the Sacramento River through this diversion, when, and who will benefit (i.e., Sacramento County, EBMUD, and any others). On page 7-19, the discussion of the CCWD's existing Los Vaqueros Reservoir should mention and briefly discuss the proposed LVE Expansion project as well.

Somewhere near the top of the list of "Challenges" in San Joaquin River Hydrologic Region found on page 7-25, the text should include some reference to the significant management and water supply challenges associated with recent water cutbacks in Delta export supplies to the region under the recently issued 2009 delta smelt and salmon and steelhead OCAP biological opinions. Other challenges worth of mention until the looming 2011 expiration of the existing VAMP experiment and the approaching FERC relicensings of some of the major water storage facilities in the region.

Volume 3 Regional Reports, Chapter 8—Tulare Lake Hydrologic Region:

The extended discussion focusing on historic *loss* of wetlands and waterfowl habitat, on pages 8-5 and 8-6, lacks any specific discussion of more recent *gains*, through deliberate management and restoration efforts and rededication of substantial acreages of land to use as seasonal and permanent wetlands. While much of this detail is found in the accompanying technical

appendix, a more complete discussion is also appropriate in the main text of the regional report chapter itself. Also, the discussion of wetlands losses *Central Valley-wide* is somewhat incongruous in a chapter ostensibly meant to focus on the Tulare Lake Hydrological Region. Such general discussion might be more properly moved to the Ecosystem Restoration chapter of the Water Plan or to some other portion of the Water Plan, with a more narrow regional focus on the Tulare Lake Hydrological Region as the primary focus in this chapter.

The first paragraph on page 8-9 alludes to the water supply impact of the Friant settlement. This section should also be updated to include a reference to major additional water supply impacts under the current OCAP biological opinions for the delta smelt and for salmon, steelhead, and green sturgeon.

The text on page 8-10, discussing the Friant settlement should be updated to include reference to the Omnibus Public Lands Package recently approved by Congress.

In addition to the reference in the third paragraph on page 8-12 to the CVPIA and its water supply impacts on the Tulare Lake Region, the text should again include a reference to additional restrictions now affecting the region as a result of the newly issued 2009 OCAP biological opinions for delta smelt and for salmon, steelhead, and green sturgeon.

The list of "Challenges" for the Tulare Lake Hydrologic Region on page 8-25 should include some reference to the significant new additional water supply impacts now expected from the 2009 OCAP biological opinions for delta smelt and for salmon, steelhead, and green sturgeon.

With regard to the historic perspective on "Drought and Flood Planning" provided in the first paragraph of the section under this heading, it is perhaps pertinent to note that, in the current post-Friant and post-OCAP BO world, without adequate, sufficient reliable supplemental surface water supply from the CVP and SWP to the both the east and west sides of the Tulare Lake Region, historic problems associated with groundwater overdraft and boom-bust patterns of local and runoff and precipitation are likely to reemerge as a major challenges for the region.

Regarding salts, planning efforts and strategies such as the Regional Board's CVSALTS program and USBR's "in-valley" disposal plan discussed on page 2 of Appendix 8B ("Water Quality") to the Tulare Lake Hydrologic Region chapter will be critical to the long-term productivity and economic vitality of the region. In the long run, the acute salt balance problem in both the San Joaquin River and Tulare Lake Regions should be approached by both reducing the amount salt entering the valley (improved Delta conveyance, for example) and also by devising more permanent and sustainable methods to remove salts from the valley once they are there (for example, through some combination of ocean, San Joaquin River, and "in-valley" disposal). The WQCP's existing policy of controlled degradation without effective removal of salts is not an acceptable, long-term solution and must be remedied through effective disposal methods in the coming years and decades.

<u>Volume 3 Regional Reports, Chapter 11—Colorado River Hydrologic Region</u>:

Under the "Water Governance" section on page 11-15, the text should include a reference to on-going and growing governance tensions in terms of district representation and the growing number of urban voters in the region and also the rising proportion of revenue that is derived from power generation in some districts, as opposed to the traditional irrigation functions of such districts. From an agricultural perspective, these demographic shifts and changes in district governance have gradually skewed district policies away from now under-represented, minority agricultural interests in the region and from the core agricultural purposes for which such districts were originally formed.

On page 11-28, there is currently only a "placeholder" on "Climate Change." The potential, long-term effects of climate change and drought on water supply from the Colorado River is a significant emerging concern for the area.

In addition, a section devoted to the various, unique "Water Rights" concerns in this area would be quite relevant and useful.

Volume 3 Regional Reports, Chapter 12—Sacramento-San Joaquin Delta Hydrologic Region:

This chapter would benefit from additional detail on the Bay-Delta Conservation Plan, as a parallel but separate effort alongside Delta Vision.

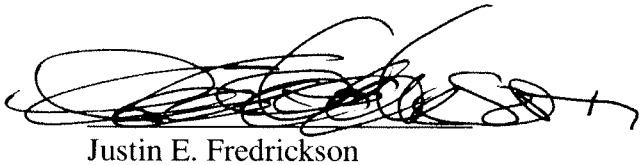
The matrix of Resource Management Strategies "Underway or To Be Implemented" in Table 12-x on page 12-23 should include "Conveyance—Delta," with the Delta and BDCP checked. Importantly, it is not yet possible to say, with certainty, whether new Delta conveyance will be actually implemented as a result of either effort; the issue, however, is very definitively addressed in both efforts. The BDCP does not involve "Land Use Planning and Management" or "Watershed Management." It would potentially include "Flood Risk Management" and "Agricultural Lands Stewardship."

The discussion of past and current regulatory restrictions in the "Project Operations" section of the Sacramento-San Joaquin River Delta Hydrologic Region chapter should be updated to reflect recent developments in this area. Also, a portion of the appendix devoted to various Delta conveyance options and proposals being currently considered would be a very useful and informative addition to the 2009 Water Plan.

CONCLUSION:

Thank you for opportunity to comment on the Public Draft California Water Plan 2009.

Respectfully,



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